

SN 09/734,496  
Page 7 of 13

RECEIVED  
CENTRAL FAX CENTER

SEP 24 2007

### REMARKS

This response is intended as a full and complete response to the final Office Action mailed on July 24, 2007. In the Office Action, the Examiner notes that claims 1-3, 6-7 and 10-21 are pending and rejected. The Applicants herein amend independent claims 1, 19 and 20. Support for the amendments may be found in the Applicants' specification on at least page 23, lines 10-12.

In view of the following remarks, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all the claims are allowable.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

### I. FINALITY OF THE REJECTION

The Applicants respectfully submit that the finality of the present rejection is improper. The Applicants note that a new rejection was applied to the Applicants claim that was not necessitated by an amendment or an information disclosure statement submitted by the Applicants. Notably, the rejection under 103 in the Office Action dated January 25, 2007 was in view of Pandya, USPN 6,671,724 only. The current rejection under 103 is now over Pandya in view of Jones USPN 6,687,335.

Under MPEP 706.07(a) a Final Rejection is proper on a second office action except when "an examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)." The Applicants respectfully submit that the Applicants in the present application did neither to necessitate the new ground of rejection.

SN 09/734,496

Page 8 of 13

Therefore, the Applicants respectfully submit that the Final rejection is improper and the present amendments should be entered as in accordance with MPEP 714(1)(A).

## **II. REJECTION OF CLAIMS 1-3, 6-7 AND 10-21 UNDER 35 U.S.C. §103**

The Examiner has rejected claims 1-3 and 6-7 and 10-21 under 35 U.S.C. §103(a) as being unpatentable over Pandya et al. (USPN 6,671,724, hereinafter "Pandya") in view of Jones et al. (USPN 6,687,335, hereinafter "Jones").

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Pandya and Jones references alone or in combination fail to teach or suggest Applicants' invention as a whole.

Applicants' independent claims 1, 19 and 20 recite:

1. A method for monitoring, from a remote location comprising a monitor and control unit, operations of a head-end in an information distribution system; the method comprising:
  - receiving at the monitor and control unit status from the head-end relating to operations performed at the head-end;
  - displaying, via a graphical user interface, at the monitor and control unit the status from the head-end relating to operations performed at the head-end including at least a video bit rate;
  - providing, via the graphical user interface, a user configurable menu to define error conditions;
  - providing, via the graphical user interface, an option to activate an audible alert when error conditions are detected;
  - receiving identities of a plurality of remote devices designated to receive status from the head-end via the monitor and control unit;
  - receiving an indication of capabilities of each remote device of the plurality of remote devices designated to receive status;
  - forwarding at least a subset of the received status from the monitor and control unit to the plurality of remote devices, wherein status are forwarded to each remote device of the plurality of remote devices in conformance with the indicated capabilities;

593583-1

SN 09/734,496

Page 9 of 13

receiving a response message from a particular remote device; and forwarding the response message to the head-end wherein the received response message from the particular remote device includes a command to adjust at least one parameter of a particular operation performed at the head-end. (emphasis added).

19. A method for monitoring, from a remote location, operation of a head-end in an information distribution system, the method comprising:

at the remote location, receiving information from the head-end relating to one or more operations performed at the head-end, wherein the received information includes status and indications of possible error conditions relating to the one or more operations performed at the head-end;

displaying, via a graphical user interface, at a monitor and control unit the received information including at least a video bit rate;

providing, via the graphical user interface, a user configurable menu to define error conditions;

providing, via the graphical user interface, an option to activate an audible alert when error conditions are detected;

receiving, at the remote location, identities and indications of capabilities of one or more remote devices designated to receive the information relating to the one or more operations performed at the head-end; and

forwarding at least a subset of the received information from the remote location to the one or more remote devices in conformance with the indicated capabilities;

receiving a response message from a particular remote device; and forwarding the response message to the head-end wherein the received response message from the particular remote device includes a command to adjust at least one parameter of a particular operation performed at the head-end. (emphasis added)

20. A method for remotely monitoring and controlling operation of a head-end in an information distribution system, comprising:

maintaining identities and indications of capabilities of one or more remote devices designated to receive information relating to one or more operations performed at the head-end;

displaying, via a graphical user interface, at a monitor and control unit the received information including at least a video bit rate;

providing, via the graphical user interface, a user configurable menu to define error conditions;

providing, via the graphical user interface, an option to activate an audible alert when error conditions are detected;

providing, from a remote location to one or more remote devices, status from the head-end relating to one or more operations performed at the head-end in conformance with the indicated capabilities;

593583-1

SN 09/734,496  
Page 10 of 13

receiving, at the remote location, from a particular remote device one or more response messages; and  
adjusting at least one parameter of a particular operation performed at the head-end in accordance with the one or more response messages. (emphasis added).

The present invention is directed, in part, toward a method to allow personnel with a remote device such as a cell phone or pager to receive a status from the head-end via a monitor and control unit and to send a response message back from the remote device to the head-end via the monitor and control unit to adjust a parameter of an operation of the head-end. In an exemplary embodiment, a monitor comprises a graphical user interface to display various information specifically related to head end operations, such as video bit rate information. (See Applicants' specification, p. 23, ll. 1-19.) Moreover, error conditions may be monitored, reported and defined via the present invention. (See Applicants' specification, p. 25, ll. 15-22.)

The Applicants respectfully submit that Pandya and Jones, alone or in any permissible combination fail to teach or to suggest a graphical user interface, at a monitor and control unit to display the status or received information including at least a video bit rate or provide a user configurable menu to define error conditions relating to one or more operations performed at the head-end, as positively recited in Applicants' independent claims.

Pandya teaches a system and method for managing a distributed network. Notably, Pandya is mainly concerned with managing bandwidth within an OSI or TCP/IP computer network. (See Pandya, col. 3, ll. 18-25; col. 4, ll. 23-25; generally throughout). In contrast, the Applicants' invention teaches a method for monitoring, from a remote location operations of a head-end in an information distribution system. The head-end is responsible for transporting video programming to subscribers. Thus, monitoring attributes of the transported video is important to keep cable subscribers happy. For example, the Applicants independent claim 1 teaches displaying, via a graphical user interface, at the monitor and control unit the status from the head-end relating to operations performed at the head-end including at least a video bit rate. Nowhere does Pandya teach or suggest displaying, via a graphical user interface, at

593583-1

SN 09/734,496

Page 11 of 13

the monitor and control unit the status from the head-end relating to operations performed at the head-end including at least a video bit rate.

In addition, Pandya fails to teach or suggest providing, via the graphical user interface, a user configurable menu to define error conditions. As noted by the Examiner, Pandya teaches a graphical user interface for managing configuration information for the control points and agents. (See Pandya, col. 6, ll. 42-66.) However, the configuration information includes, for example, designating control points as secondary connections, specifying bandwidth available, grouping users, setting optimum and minimum performance levels and configuring resource reallocation intervals. (See Pandya, col. 20, l. 44 – col. 21, l. 54.) Notably, Pandya fails to explicitly teach that any of the configurable options via the graphical user interface are related to defining error conditions. In contrast, Applicants invention teaches providing, via the graphical user interface, a user configurable menu to define error conditions.

The Examiner responds by noting various passages in Pandya that also fail to teach or suggest providing, via the graphical user interface, a user configurable menu to define error conditions. Pandya at column 6, lines 42-66 simply teaches that the deployed agents and control points may be adapted to enforce system policies, monitor and analyze network events and take appropriate action based on these events and to provide information to users.

Pandya at column 8, lines 38-43 simply teaches, as highlighted by the Examiner, that if a requested task is blocked, the requesting user may be provided with an informative message. Subsequently, the user may be provided with various options, such as proceeding with the requested task, but with sub-optimal resources, or waiting to perform the task until a later time. Notably, nowhere in this cited passage does Pandya teach or suggest that a user configurable menu to define error conditions is provided via the graphical user interface.

More consistent with the Applicants' interpretation, Pandya teaches configuration information may be provided via the graphical user interface on column 20, line 44 – column 21, lines 54. As discussed above, a user configurable menu to defined error conditions is not one of the configuration information that is provided via the graphical user interface taught by Pandya. Therefore, Pandya clearly fails to teach or suggest

593583-1

SN 09/734,496

Page 12 of 13

providing, via the graphical user interface, a user configurable menu to define error conditions, as positively claimed by the Applicants' independent claims.

In addition, Jones fails to bridge the substantial gap between Pandya and Applicants' invention because Jones also fails to teach or suggest a graphical user interface, at a monitor and control unit to display the status or received information including at least a video bit rate or provide a user configurable menu to define error conditions. Jones only teaches a user interface and system to facilitate telephone circuit maintenance and testing. (See Jones, Abstract).

Consequently in light of the remarks above, Applicants submit that Pandya and Jones alone or in combination do not teach Applicants' invention of at least independent claims 1, 19 and 20 as a whole and, as such, claims 1, 19 and 20 are not obvious in view of Pandya. It is believed that independent claims 1, 19 and 20 are allowable under 35 U.S.C. §103.

Furthermore, dependent claims 2-3, 6-7, 10-18 and 21 depend directly or indirectly from independent claims 1, 19 and 20 and recite additional limitations thereof. As such and for at least the same reasons discussed above with respect to independent claims 1, 19 and 20, Applicants submit that these dependent claims are also non-obvious and patentable over Pandya and Jones under 35 U.S.C. §103. Therefore, Applicants respectfully request that the rejection be withdrawn.

SN 09/734,496  
Page 13 of 13

**RECEIVED**  
**CENTRAL FAX CENTER**  
**SEP 24 2007**


**CONCLUSION**

Applicants submit that claims 1-3 and 6-7, 10-21 are in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 7/24/07

  
\_\_\_\_\_  
Eamon J. Wall, Attorney  
Reg. No. 39,414  
(732) 530-9404

Patterson & Sheridan, LLP  
Attorneys at Law  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702